



Security Council

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Letter dated 18 October 2018 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

The Permanent Mission of the Kingdom of the Netherlands to the United Nations, together with the Permanent Missions of Côte d'Ivoire, France and Peru, will host an Arria-formula meeting on the theme, "Moving from a culture of impunity to a culture of deterrence: the use of sanctions in addressing sexual violence in conflict".

The meeting will be held in the Economic and Social Council Chamber on Monday, 22 October at 3 p.m. Please find enclosed the concept note for this meeting (see annex).

I have the honour to request the distribution of the enclosed concept note as a document of the Security Council.

(Signed) Karel J. G. van Oosterom
Ambassador



Annex to the letter dated 18 October 2018 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the Security Council

Concept note for the Arria-formula meeting on the theme “Moving from a culture of impunity to a culture of deterrence: the use of sanctions in addressing sexual violence in conflict”, to be held on 22 October 2018

1. The missions of the Kingdom of the Netherlands, Côte d'Ivoire, France and Peru will co-host an Arria-formula meeting of the Security Council on the use of sanctions in addressing sexual violence in conflict on Monday, 22 October, from 3 p.m. to 5 p.m., in the Economic and Social Council Chamber.

Background

“Many of the atrocities enumerated in the present report could have been prevented if more had been done, early and collectively. I therefore urge the international community to give that agenda the investment and action it deserves, so as to replace horror with hope.” (Secretary-General António Guterres, 27 March 2018)

2. The awarding of the Nobel Peace Prize to Nadia Murad and Dennis Mukwege on 5 October is a further recognition of the violence and injustice perpetrated against women and girls, and of the brutal targeting of the Yazidi people and women's suffering from conflict in the Democratic Republic of the Congo in particular. As importantly, it is a call to take decisive action against sexual violence: against Islamic State in Iraq and the Levant (ISIL, also known as Daesh), in the Democratic Republic of the Congo or elsewhere.

3. A decade ago, the Council adopted the groundbreaking resolution 1820 (2008), in which it recognized the issue of conflict-related sexual violence as a threat to international peace and security and firmly rooted it in its agenda. In paragraph 5 it provided for the use of targeted sanctions against the perpetrators of conflict-related sexual violence, which was further amplified and renewed in resolutions 1888 (2009), 1960 (2010), 2106 (2013) and 2242 (2015). That year, the Council included, for the first time, sexual violence as part of the designation criteria in the sanctions regime on the Democratic Republic of the Congo.

4. In his latest report on conflict-related sexual violence (S/2018/250), the first recommendation the Secretary-General makes to the Council is to include sexual violence as part of the designation criteria for sanctions, to ensure that dedicated expertise on gender and conflict-related sexual violence informs the work of sanctions committees and monitoring entities, and to continue to invite the Special Representative on Sexual Violence in Conflict to share information with sanctions committees, as appropriate.

5. A recent review by the Georgetown Institute for Women, Peace and Security, at Georgetown University, of the use by the Council of targeted sanctions to address sexual violence in conflict¹ found that the sanctions tool offers significant, but as yet largely unexploited, potential to advance women's protection from sexual violence in situations of armed conflict. It recommended that the Council systematically and immediately incorporate sexual violence as a stand-alone criterion when adopting new sanctions regimes, and that it should not hesitate to list perpetrators when there is repeated evidence of their conduct. The review was presented at the French mission to the United Nations in July 2018. The main conclusion of the meeting was that the

¹ Available at <https://giwps.georgetown.edu/wp-content/uploads/2018/03/Use-of-UN-Sanctions-to-Address-Conflict-related-Sexual-Violence.pdf>.

Council should resort more to the use of sanctions against targeted perpetrators whenever the criteria exist, and should adopt new criteria where they do not yet exist.

6. On 27 January 2017, the Council inserted for the first time such a stand-alone criterion in the sanctions regime for the Central African Republic, through paragraph 17 (c) of resolution 2339 (2017). Most recently, on 13 July 2018, a similar criterion was included in the sanctions regime for South Sudan, in paragraph 14 (e) of resolution 2428 (2018). Ten out of 14 existing sanctions regimes include text that directly or indirectly refers to sexual violence and hence would — in theory, yet seldom in practice — allow for listing.

7. The report of the Secretary-General released in March 2018 listed a total of 47 parties credibly suspected of committing or being responsible for patterns of rape or other forms of sexual violence in situations of armed conflict, including 12 State actors (in the Democratic Republic of the Congo, Myanmar, Somalia, South Sudan, the Sudan and the Syrian Arab Republic). Resolution 1960 (2010) expresses the Council's intention to use this annual list as a basis for more focused United Nations engagement with those parties, including, as appropriate, measures in accordance with the procedures of the relevant sanctions committees. While most parties are potentially covered by existing sanctions regimes, parties in Myanmar and the Syrian Arab Republic are not.

Objective

8. The purpose of this Arria-formula meeting is for the Council to look at ways to better use sanctions, in support of its pursuit of accountability and as a key element of the prevention of conflict-related sexual violence. It has three objectives:

- First, to take stock of the use of the present sanctions architecture and explore ways to strengthen its response to sexual violence.
- Second, to collect the views of Member States on innovative ways in which the Council could use sanctions in response to the listing in the annex to the Secretary-General's annual report. For countries where there is currently no sanctions regime in place, this could include the establishment of a country-specific sanctions regime limited to sexual violence as its single designation criterion.
- Third, to keep the discussion moving forward at the Council, involving incoming members to ensure longer-term follow-up.

9. The meeting will enable both panellists and participants to discuss the following three questions:

1. What could the Council do more to fully exploit the potential of sanctions to deter widespread conflict-related sexual violence and to coerce and constrain the individuals involved?

2. How could the Council better use existing sanctions regimes? How could the Council better deliver on its commitment in paragraph 6 of resolution 2242 (2015) to ensuring that relevant expert panels have the necessary expertise on gender and conflict-related sexual violence?

3. How should the Council take action on the parties listed in the Secretary-General's report on sexual violence in conflict, in situations when no sanctions regime has been established?

Panellists

10. The panellists will be:

- Ms. Rita Lopidia, Executive Director and founder of EVE Organization and head of the South Sudan Women's Coalition
- Ms. Pramila Patten, Special Representative of the Secretary-General on Sexual Violence in Conflict
- Ms. Rebecca Brubaker, Senior Policy Adviser at the Centre for Policy Research at United Nations University
- Mr. Ruben de Koning, Coordinator of the Panel of Experts on Mali and former Coordinator of the Panel of Experts on the Central African Republic
- Mr. Hans-Jakob Schindler, Senior Director at the Counter Terrorism Project, former Coordinator of the Analytical Support and Sanctions Monitoring Team

Format

11. Following introductory remarks by the Chair, the above-mentioned panellists will deliver presentations. The floor will then be opened for Council members, starting with the co-hosts. Subsequently, affected countries and incoming Council members are invited to speak. The speaking time is set to a maximum of three minutes.

12. The Arria-formula meeting will be held in the Economic and Social Council Chamber and is open for all United Nations Member States, Permanent Observers, non-governmental organizations and the press. Interpretation will be available in all official languages of the United Nations. This meeting will be broadcast on United Nations Web TV. Should Member States object to such online coverage, please confer with one of the co-hosts.

Wrap-up

13. An informal summary of the Arria-formula meeting meeting will be shared with interested parties.